



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,718	09/15/2000	Timothy A. Wurtz	SFN-301RI	1956

7590 04/16/2010  
David P Cooper  
Kolisch Hartwell Dickinson McCormack & Heuser  
520 S W Yamhill Street  
Suite 200  
Portland, OR 97204

EXAMINER
----------

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
----------	--------------

3635

MAIL DATE	DELIVERY MODE
-----------	---------------

04/16/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

1. The amendment filed 04/03/10 has NOT BEEN ENTERED as it proposes amendments to claims that do not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications. Applicant's attention is directed to MPEP 1453. The proposed amendment fails to show any changes. Note, ALL CHANGES ARE MADE *VIS-À-VIS* THE PATENT TO BE REISSUED.

2. The examiner has arranged to have the specification pages of the copy of the originally filed patent entered as the specification of the instant applicant. As such, the amendments to the specification could be entered if re-filed with an amendment to the claims which complied with 37 CFR 1.173(b)(2).

3. It has come to the attention of the examiner that the reissue oath/declaration filed 11/03/09 with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following: The declaration fails to comply with 37 CFR 1.63. The word "examination" in the "duty to disclose" statement is improper. In accordance with 37 CFR 1.63(b)(3) the word "patentability" should be used. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

4. Confusion arose due to the filing of duplicate claim sets in the amendment filed 11/03/09. The examiner had treated the claim set in APPENDIX A as the amended claims due to the presence of the markings required by 37 CFR 1.173. The listing of

Art Unit: 3635

claims beginning on page 5 of the 11/03/09 response had been entered into the electronic file as remarks and was treated as such since it failed to provide the markings required by 37 CFR 1.173.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. CANFIELD whose telephone number is (571)272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rich Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert J Canfield  
Primary Examiner  
Art Unit 3635

Application/Control Number: 09/662,718

Page 4

Art Unit: 3635

/Robert J Canfield/

Primary Examiner, Art Unit 3635